

UNITED STATES DISTRICT COURT

for the
District of South Dakota

In the Matter of the Search of:

Case No. **5:19-mj-117**

The content of the encrypted compressed storage
file containing the search warrant production of
Tumblr User Account: Peelover1987 and User
email account: tylerwdeel@gmail.com,
downloaded and currently in the possession of
ICAC

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

located in the District of South Dakota, there is now concealed (*identify the person or describe the property to be seized*):

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

[18 U.S.C. §§ 2251, 2252, 2252A] [Production, Receipt, and Possession of Child Pornography]

The application is based on these facts:

- ☒ Continued on the attached affidavit, which is incorporated by reference.
☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.
☐ Your applicant requests that no notice be given prior to the execution of the search warrant, i.e., "no knock", the basis of which is set forth in the attached affidavit.
☐ Your applicant requests authorization to serve the search warrant any time day or night pursuant to Fed. R. Crim. P. 41(e)(2)(A)(ii), the basis of which is set forth in the attached affidavit.

Sarah B. Collins for:
Affiant Signature

Sarah B. Collins, Assistant U.S. Attorney
Printed Name and Title

Sworn to before me and: ☒ signed in my presence.

☐ submitted, attested to, and acknowledged by reliable electronic means.

Date: 9-13-19

Daneta Wollmann
Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate
Printed name and title

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

IN THE MATTER OF THE SEARCH OF:
The content of the encrypted
compressed storage file containing the
search warrant production of Tumblr
User Account: Peelover1987 and User
email account: tylerwdeel@gmail.com,
downloaded and currently in the
possession of ICAC

CASE NUMBER: 5:19-mj-117
REDACTED
AFFIDAVIT IN SUPPORT OF
SEARCH WARRANT
APPLICATION

State of South Dakota)
) ss
County of Pennington)

I, Brian Freeouf, Investigator with the Pennington County Sheriff's Office (PCSO) and currently assigned to the South Dakota Internet Crimes Against Children Taskforce (ICAC), being duly sworn, states as follows:

1. I began my law enforcement career with Pennington County in July of 2005. I spent approximately 3 years on patrol in the contract community of Wall, SD. I was then assigned to the patrol division in Rapid City in 2008. I was promoted to the rank of Senior Deputy in July of 2010. I also spent time as a School Liaison Officer and Criminal Investigations Division as a Property Crimes Investigator. Even though I was assigned as a Property Crimes Investigator I also investigated other crimes including, but not limited to, homicides, rapes, assaults, and coroner duties. My other assignments within the Sheriff's Office include Deputy Coroner, Field Training Deputy, and Defensive Tactics Training

Administrator. Due to the placement on ICAC, I have also been given the title of Special Assistant Attorney General of the State of South Dakota.

2. I have investigated and assisted in the investigation of cases involving the possession, receipt, and distribution of child pornography in violation of federal law to include United States Statutes 18 U.S.C. §§ 2251, 2252 and 2252A, involving violations of law involving child pornography. During my law enforcement-career, I have become familiar with the *modus operandi* of persons involved in the illegal production, distribution and possession of child pornography. Based on my experience and training, I am knowledgeable of the various means utilized by individuals who illegally produce, distribute, receive and possess child pornography.

3. I have been informed that 18 U.S.C. §§ 2251, 2252 and 2252A, prohibit the manufacture, distribution, receipt, and possession of child pornography.

4. The facts set forth in this affidavit are based on my personal knowledge, knowledge obtained from other individuals, including other law enforcement officers, interviews of persons with knowledge, my review of documents, interview reports and computer records related to this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. This affidavit contains information necessary to support probable cause for this application and does not contain every material fact that

I have learned during the course of this investigation; however, I have not withheld information known to me that would tend to negate probable cause has been withheld from this affidavit.

ITEMS TO BE SEARCHED FOR AND SEIZED:

5. Please see Attachment B.

6. Your affiant respectfully submits that there is probable cause to believe that Tyler Deel committed the crimes of distribution, receipt and possession of child pornography using Tumblr account: Peelover1987, User email account: tylerwdeel@gmail.com, and that evidence of those crimes will be found in the content of the encrypted compressed storage file provided to me on Tumblr's law enforcement portal in response to a previously executed search warrant. I downloaded the file, but did not review the contents of the file, nor did I provide access to the file for anyone else to view. The downloaded file is currently in the possession of ICAC. This affidavit is sought to search the contents of the downloaded file.

7. It is my understanding that I must seek this additional warrant to review the responsive materials out of an abundance of caution to comply with the issue raised in dicta in the recent decision in *United States v. Nyah*, 928 F.3d 694 (8th Cir. 2019).

DEFINITIONS

8. Based on my training and experience, I use the following technical terms to convey the following meanings:

a. "Chat," as used herein, refers to any kind of text communication transmitted over the Internet in real-time from sender to receiver. Chat messages are generally short in order to enable other participants to respond quickly and in a format, that resembles an oral conversation. This feature distinguishes chatting from other text-based online communications such as Internet forums and email.

b. "Child Erotica," as used herein, means materials or items that are sexually arousing to persons having a sexual interest in minors but that are not necessarily, in and of themselves, obscene or that do not necessarily depict minors in sexually explicit poses or positions.

c. "Child pornography," as defined in 18 U.S.C. § 2256(8), is any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

d. "Cloud-based storage service," as used herein, refers to a publically accessible, online storage provider that collectors of child pornography can use to store and trade child pornography in larger volumes. Users of such a service can share links and associated passwords to their

stored files with other traders of child pornography in order to grant access to their collections. Such services allow individuals to access these files easily through a wide variety of electronic devices such as desktop and laptop computers, mobile phones, and tablets, anywhere and at any time. An individual with the password to file stored on a cloud-based service does not need to be a user of the service to access the file. Access is free and readily available to anyone who has an internet connection.

e. “Computer,” as used herein, refers to “an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device” and includes smartphones, and mobile phones and devices. See 18 U.S.C. § 1030(e)(1).

f. “Computer hardware,” as used herein, consists of all equipment, which can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices); peripheral input/output devices (including, but not

limited to, keyboards, printers, video display monitors, and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).

g. “Computer software,” as used herein, is digital information, which a computer can interpret and any of its related components to direct the way they work. Computer software is stored in electronic, magnetic, or other digital form. It commonly includes programs to run operating systems, applications, and utilities.

h. “Computer-related documentation,” as used herein, consists of written, recorded, printed, or electronically stored material, which explains or illustrates how to configure or use computer hardware, computer software, or other related items.

i. “Computer passwords, pass-phrases and data security devices,” as used herein, consist of information or items designed to restrict access to or hide computer software, documentation, or data. Data security devices may consist of hardware, software, or other programming code. A password or pass-phrase (a string of alphanumeric characters) usually operates as a sort of digital key to “unlock” particular data security devices. Data security hardware may include encryption devices, chips, and circuit boards. Data

security software of digital code may include programming code that creates “test” keys or “hot” keys, which perform certain pre-set security functions when touched. Data security software or code may also encrypt, compress, hide, or “booby-trap” protected data to make it inaccessible or unusable, as well as reverse the process to restore it.

j. A provider of “Electronic Communication Service” (“ESP”), as defined in 18 U.S.C. § 2510(15), is any service that provides to users thereof the ability to send or receive wire or electronic communications. For example, “telephone companies and electronic mail companies” generally act as providers of electronic communication services. See S. Rep. No. 99-541 (1986), reprinted in 1986 U.S.C.C.A.N. 3555, 3568.

k. “Electronic Storage Device” includes but is not limited to external and internal hard drives, thumb drives, flash drives, SD cards, gaming devices with storage capability, storage discs (CDs and DVDs), cameras, cellular phones, smart phones and phones with photo-taking and/or internet access capabilities, and any “cloud” storage by any provider.

l. “Encrypted compressed storage file” as used herein, refers to a computer file whose contents of one or more files are compressed for storage or transmission, one example is a “zip file.” The compressed

storage file is used to consolidate large files or multiple files into one file for ease of transfer. The ESPs create the file then provide access to the file to law enforcement typically via the ESP's law enforcement portal or special encrypted web link.

m. "File Transfer Protocol" ("FTP"), as used herein, is a standard network protocol used to transfer computer files from one host to another over a computer network, such as the Internet. FTP is built on client-server architecture and uses separate control and data connections between the client and the server.

n. "Internet Protocol address" or "IP address," as used herein, refers to a unique number used by a computer to access the Internet. IP addresses can be "dynamic," meaning that the ISP assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be "static," if an ISP assigns a user's computer a particular IP address that is used each time the computer accesses the Internet.

o. "Internet Service Providers" ("ISPs"), as used herein, are commercial organizations that are in business to provide individuals and businesses access to the Internet. ISPs provide a range of functions for their customers including access to the Internet, web hosting, e-mail, remote storage, and co-location of computers and other communications equipment.

p. "PhotoDNA" is a process where a photograph is scanned by converting images into a grayscale format, creating a grid and assigning a numerical value to each tiny square. Those numerical values represent the "hash" of an image, or its "PhotoDNA signature." The program protects user privacy in that it doesn't look at images or scan photos; it simply matches a numerical hash against a database of known illegal images. A hash is an alphanumeric value assigned to an image based off a mathematical algorithm run against the data making up the file itself. This process has proven to be a reliable method of confirming like images.

q. "Records," "documents," and "materials," as used herein, include all information recorded in any form, visual or aural, and by any means, whether in handmade, photographic, mechanical, electrical, electronic, or magnetic form.

r. "Remote Computing Service" ("RCS"), as defined in 18 U.S.C. § 2711(2), is the provision to the public of computer storage or processing services by means of an electronic communications system.

s. "Short Message Service" ("SMS"), as used herein, is a service used to send text messages to mobile phones. SMS is also often referred to as texting, sending text messages or text messaging. The service allows the user to send short text messages from one cell

phone to another cell phone or from the Web to another cell phone. The term “computer,” as defined in 18 U.S.C. § 1030(e)(1), means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

t. “Sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

u. “Visual depiction,” as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

v. “Zip file,” as used herein is a type of “Encrypted compressed storage file,” defined above in paragraph l.

**BACKGROUND ON CHILD EXPLOITATION AND CHILD PORNOGRAPHY,
COMPUTERS, THE INTERNET, AND EMAIL**

12. I have had both training and experience in the investigation of computer-related crimes. Based on my training, experience, and knowledge, I know the following:

a. Computers and digital technology have dramatically changed the way in which individuals interested in child pornography interact with each other. Computers serve many functions for persons who exploit children online; they serve as a mechanism for meeting child-victims and communicate with them; they serve as a mechanism to get images of the children and send images of themselves; computers serve as the manner in which persons who exploit children online can meet one another and compare notes.

b. Persons, who exploit children online, can now transfer printed photographs into a computer-readable format with a device known as a scanner and then distribute the images using email, like Gmail and Yahoo! Inc. Furthermore, with the advent of digital cameras and smartphones with cameras, when the photograph is taken it is saved as a digital file that can be directly transferred to a computer by simply connecting the camera or smartphone to the computer. In the last ten years, the resolution of pictures taken by digital cameras and smartphones has increased dramatically, meaning that such pictures have become

sharper and crisper. Photos taken on a digital camera or smartphone may be stored on a removable memory card in the camera or smartphone. These memory cards often store up to 32 gigabytes of data, which provides enough space to store thousands of high-resolution photographs. Video camcorders, which once recorded video onto tapes or mini-CDs, now can save video footage in a digital format directly to a hard drive in the camera. The user can easily transfer video files from the camcorder to a computer.

c. A device known as a modem allows any computer to connect to another computer with telephone, cable, or wireless connection. People can make electronic contact to literally millions of computers around the world. The ability to produce child pornography easily, reproduce it inexpensively, and market it anonymously (through electronic communications) has drastically changed the method of distribution and receipt of child pornography. Persons can transfer child pornography via electronic mail or through file transfer protocols (FTP) to anyone with access to a computer and modem. Because of the proliferation of commercial services that provide electronic mail service, chat services (i.e., "instant messaging"), and easy access to the Internet, the computer is a preferred method of distribution and receipt of child pornographic materials.

d. The Internet affords individuals several different venues for meeting and exploiting children in a relatively secure and anonymous fashion.

e. Individuals also use online resources to exploit children, including services offered by Internet Portals such as Gmail and Hotmail, among others. The online services allow a user to set up an account with a remote computing service that provides e-mail services as well as electronic storage of computer files in any variety of formats. A user can set up an online storage account from any computer with access to the Internet. Even in cases where a user utilizes online storage is, evidence of child pornography can be found on the user's computer or external media in most cases.

13. Based on my training and experience and investigation in this case, I have learned the following about Tumblr:

- a. Tumblr is a microblogging and social networking website founded by David Karp in 2007, and owned by Oath Inc. The service allows users to post multimedia and other content to a short-form blog. Users can follow other users' blogs. Bloggers can also make their blogs private.
- b. Tumblr currently hosts over 450 million blogs and millions of monthly visitors.
- c. The dashboard is the primary tool for the typical Tumblr

user. It is a live feed of recent posts from blogs that users follow. Through the dashboard, users are able to comment, "reblog," and "like" posts from other blogs that appear on their dashboard. The dashboard allows the user to upload text posts, images, video, quotes, or links to their blog with a click of a button displayed at the top of the dashboard. Users are also able to connect their blogs to their Twitter and Facebook accounts; so whenever they make a post, it will also be sent as a tweet and a status update.

- d. Users can help their audience find posts about certain topics by adding "tags." If a blogger were to upload a picture to their blog and wanted their viewers to find pictures, they would add the tag #picture, and their viewers could use that word to search for posts with the tag #picture.
- e. Tumblr allows users to edit their blog's theme HTML coding to control the appearance of their blog. Users are also able to use a custom domain name for their blog.
- f. Tumblr blogs may optionally allow users to submit questions, either as themselves or anonymously, to the blog for a response. Tumblr also offered a "fan mail" function, allowing users to send messages to blogs that they follow.
- g. On November 10, 2015, Tumblr introduced an integrated

instant messaging function, allowing users to chat between other Tumblr users. The feature was rolled out in a "viral" manner; it was initially made available to a group of 1500 users, and other users could receive access to the messaging system if they were sent a message by any user that had received access to the system itself. The messaging platform replaces the fan mail system, which was deprecated. The ability to send posts to others via the Dashboard was added the following month.

- h. Tumblr has been noted by technology journalists as having a sizable amount of pornographic content. Since July 2013 and an acquisition by Yahoo, Tumblr has progressively restricted adult content on the site. In July 2013, Tumblr began to filter content from adult-tagged blogs from appearing in search results and tag displays unless the user is logged in. In February 2018, Safe Mode (which filters "sensitive" content and blogs) became enabled by default for all users on an opt-out basis.
- i. On December 3, 2018, Tumblr announced that effective December 17, all images and videos depicting sex acts, and real-life images and videos depicting human genitalia or "female-presenting" nipples, would be banned from the

service. Exceptions are provided for illustrations or art that depict nudity, nudity related to "political or newsworthy speech", and depictions of "female-presenting" nipples in relation to medical events such as childbirth, breastfeeding, mastectomy and gender reassignment surgery. The new rules do not apply to text content. All posts in violation of the new policy will be hidden from public view, and repeat offenders may be reprimanded. Shortly prior to the announcement, Tumblr's Android app was patched to remove the ability to disable Safe Mode.

14. From my training and experience, I am aware that when Electronic Service Providers, like Tumblr, provide access to an encrypted compressed storage file, typically a zip file, on its law enforcement portal. The link is to a file that is limited to the content of the account authorized by the search warrant and no other accounts. I am aware that the links Tumblr provides typically has a short expiration date, around 5 days in which to download the file.

PROBABLE CAUSE

15. On September 24, 2018, I received a CyberTipline Report #39416381 from the National Center of Missing and Exploited Children (NCMEC). The report was regarding someone uploading child pornography to an online site called Tumblr.

16. The images that were uploaded to Tumblr by the following user:

Email: tylerwdeel@gmail.com; Screen/User Name: Peelover1987; Profile URL: Peelover1987.tumblr.com; IP Address: 67.158.47.21, the account for which Tumblr provided the encrypted compressed file, the download of which is the subject of this search warrant.

17. The report indicated the user uploaded 50 Images of child pornography between 08/17/18 18:54:34 (EDT) and 08/24/18 21:31:47 (EDT). One of the IP addresses used multiple times was 67.158.47.21. This IP address is owned and maintained by VAST Broadband to which they would maintain any customer or user name associated with the IP address. The Tumblr report included the child pornography files that were uploaded.

18. Tumblr determined the files to be child pornography based on photo DNA. Tumblr and NCMEC did not view the files. On 09/25/18, I was able to view the files after obtaining a search warrant signed by the Honorable Judge Todd Hyronimus.

19. After viewing the images, I was able to determine there were 34 of the 50 uploaded images were child pornography. The following is a sampling of the images

- File Name: 177411965797_0.png:
 - Description: This image shows an approximately 5-7 year old prepubescent girl naked from the waist down. There is an adult male sitting naked on what appears to be a bed and he is vaginally raping the girl with his erect penis. The man is holding the girl on his penis with his right hand and is taking the photograph with a camera in his left hand.
- File Name: 177411960797_0.jpg:

- Description: This image shows an approximately 4-5 year old prepubescent girl naked on a bed. She is on her knees and is looking back at the camera. She is using her left hand to spread her butt cheek, exposing her bare anus and vagina.

20. In the “Company Information” section of the Cybertip report it stated, “we are attaching a representative sample of the blog’s contents to this report.” This would indicate there are probably more images of this nature still in the user’s account.

21. NCMEC generated a second Cybertip number (40581012) based on the same content but was in reference to upgrading the law enforcement priority of the case. The upgrade was due to some images on the suspect’s Facebook page showing he lives with juvenile children.

22. With the information from the original report, I requested a search warrant to be issued to Vast Broadband. This was to obtain the user/subscriber information associated with the IP address 67.158.47.21. This search warrant was granted by the Honorable Judge Matt Brown and was served on Vast on September 25, 2018. Vast responded with the following information:

Tyler Deel

[REDACTED]

Saint Onge, SD 57779

And

Tyler Deel

[REDACTED]

Saint Onge, SD 57779

23. On November 30, 2018, I received a third Cybertipline from NCMEC, #41711574. Tumblr submitted the report to NCMEC and was in reference to a

user uploading child pornography to Tumblr. The following is the user information being reported by Tumblr:

- URL: pervydad1987.tumblr.com
- Email Address: tylerdeel@yahoo.com
- Screen/User Name: pervydad1987
- Profile URL: pervdad1987.tumblr.com
- IP Address: 67.158.45.236
- Suspect's Last Logins: Wed. 29 Aug 2018 19:41:23 – 0400 IP: 67.158.47.21
 - This IP address was previously traced to a residence in St. Onge, SD, associated with Tyler Deel.

24. Tumblr included 44 files, the content contained in the report. None of these files were viewed by Tumblr or NCMEC and they were located using photo DNA.

25. On January 9, 2019, I sought and obtained a search warrant for the Tumblr account at issue. I executed the Court's search warrant the same day by serving it on Tumblr via its law enforcement portal. Tumblr did not provide the responsive materials within 14 days of the issuance of this Court's search warrant. I received the original return from Tumblr on that search warrant on July 2, 2019 via encrypted compressed storage file. I accessed the file via Tumblr's law enforcement portal and I downloaded the content.

26. I then opened and analyzed the information in the first disclosure in good faith as this was before I was aware of the *Nyah* decision. I have learned that the Eighth Circuit filed the *Nyah* decision on June 26, 2019. In my exam of the content of the first disclosure, I observed multiple images of child pornography.

27. Tumblr emailed me on August 15, 2019, advising that it had additional information in response to the January 9, 2019, warrant that was not disclosed in the July 2, 2019 disclosure. Tumblr provided a new link to the content stored in the encrypted compressed storage file for the second disclosure on their law enforcement portal. I downloaded the production because Tumblr advised me that it would expire after 5 days, but I have not opened or analyzed the content and I have not provided access to any other person to review the content of the file. The encrypted compressed storage file is being held securely at the ICAC offices in Rapid City, awaiting this search warrant.

**CHARACTERISTICS COMMON TO INDIVIDUALS WHO HAVE A SEXUAL
INTEREST IN CHILDREN AND/OR WHO RECEIVE AND/OR POSSESS
CHILD PORNOGRAPHY**

28. Based on my previous investigative experience related to child exploitation investigations, and the training and experience of other law enforcement officers with whom I have had discussions, I know there are certain characteristics common to individuals who have a sexual interest in children and/or receive, or possess images of child pornography:

- a. Individuals who have a sexual interest in children and/or receive, or possess images of child pornography may receive sexual gratification, stimulation, and satisfaction from contact with children, or from fantasies they may have viewing children engaged in sexual activity or in sexually suggestive poses, such as in person, in photographs, or other visual media, or from literature describing such activity.

b. Individuals who have a sexual interest in children and/or receive, or possess images of child pornography may collect sexually explicit or suggestive materials, in a variety of media, including photographs, magazines, motion pictures, videotapes, books, slides and/or drawings or other visual media. Individuals who have a sexual interest in children or images of children oftentimes use these materials for their own sexual arousal and gratification. Further, they may use these materials to lower the inhibitions of children they are attempting to seduce, to arouse the selected child partner, or to demonstrate the desired sexual acts.

c. Individuals who have a sexual interest in children and/or receive, or possess images of child pornography almost always possess and maintain their hard copies of child pornographic material, that is, their pictures, films, video tapes, magazines, negatives, photographs, correspondence, mailing lists, books, tape recordings, etc., in the privacy and security of their home or some other secure location. Individuals who have a sexual interest in children or images of children often retain pictures, films, photographs, negatives, magazines, correspondence, books, tape recordings, mailing lists, child erotica, and videotapes for many years.

d. Likewise, individuals who have a sexual interest in children and/or receive, or possess images of child pornography often maintain their child pornography images in a digital or electronic format in a safe, secure and

private environment, such as a computer and surrounding area. The user often maintains these child pornography images for several years and are kept close by, usually at the possessor's residence, inside the possessor's vehicle, or, at times, on their person, to enable the individual to view the child pornography images, which are valued highly.

e. Individuals who have a sexual interest in children and/or receive, or possess images of child pornography also may correspond with and/or meet others to share information and materials, rarely destroy correspondence from other child pornography distributors/possessors, conceal such correspondence as they do their sexually explicit material, and often maintain lists of names, addresses, and telephone numbers of individuals with whom they have been in contact and who share the same interests in child pornography.

f. Individuals who have a sexual interest in children and/or receive, or possess images of child pornography prefer not to be without their child pornography for any prolonged time-period. Law enforcement officers involved in the investigation of child pornography throughout the world have documented this behavior. Thus, even if the unknown user uses a portable device (such as a mobile cell phone) to access the internet and child pornography, it is more likely than not that evidence of this access will be found within the SUBJECT ACCOUNT.

JURISDICTION

29. This Court has jurisdiction to issue the requested warrant because it is “a magistrate judge with authority in the district... has authority to issue a warrant to search for and seize . . . property located within the district.” Fed.R.Crim.P. 41(b)(1).

LIMIT ON SCOPE OF SEARCH

30. I submit that if during the search, agents find evidence of crimes not set forth in this affidavit, another agent or I will seek a separate warrant.

REQUEST FOR SEALING OF MATTER


31. I request that the Court order sealing this case until further order of the Court. The documents filed in the case discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

CONCLUSION

32. Based on my training and experience, and the facts as set forth in this affidavit, there is probable cause to believe that in the download of the encrypted compressed storage file provided by Tumblr in compliance with a previous warrant, there exists evidence of a crime, contraband, instrumentalities, and/or fruits of violations of criminal laws as specified herein,

including identification of the person who used the electronic accounts described in Attachment A. The facts outlined above show that the Tumblr, Inc. account, listed in Attachment A has been used for the exploitation of children using the internet including violations of 18 U.S.C. §§ 2251, 2252, and 2252A (production, receipt and possession of child pornography), which items are more specifically described in Attachment B. There is probable cause to believe that Tyler Deel, the likely user of the Tumblr account, received and distributed child pornography with other unknown users, and thereby violated the aforementioned statutes in the District of South Dakota and elsewhere. Therefore, there is probable cause to search the download of the encrypted compressed storage file which contains the content of the Tumblr account associated with user name "Peelover1987" and email account tylerwdeel@gmail.com.

Dated: 9/13/19


Investigator Brian Freecouf
Pennington County Sheriff's Office and
ICAC

Sworn to before me and:

- ☒ signed in my presence.
☐ submitted, attested to, and acknowledged by reliable electronic means.

this 13th day of September, 2019.


Daneta Wollmann
United States Magistrate Judge

ATTACHMENT A
DESCRIPTION OF LOCATION TO BE SEARCHED

This warrant applies to the contents of and information associated with the August 15, 2019, download of the encrypted compressed storage file containing the content of the Tumblr account associated with user name "Peelover1987" and email account tylerwdeel@gmail.com. The encrypted compressed storage file has been downloaded from Tumblr's law enforcement portal, but not reviewed and is in secure storage at ICAC.

ATTACHMENT B
Information to be Searched

All information described above in Section I that was created or saved after the creation of the Tumblr account associated with encrypted compressed storage file for the Tumblr account that is the subject of this warrant and that constitutes contraband or fruits, evidence or instrumentalities of violations of 18 U.S.C. §§ 2251, 2252, 2252A, (production, receipt and possession of child pornography) pertaining to the following matters:

1. Child pornography and child erotica;
2. Records, information, and items relating to violations of the statutes described above including:
 - a. Records and information relating to the identity or location of the persons suspected of violating the statutes described above; and
 - b. Records and information relating to sexual exploitation of children, including correspondence and communications between persons exploiting minors online;
3. Identifying information for any person employing, using, persuading, inducing, enticing, or coercing any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, or attempting or conspiring to do so;
4. Identifying information regarding any person knowingly distributing, receiving, or possessing child pornography as defined at 18 U.S.C. § 2256(8), or attempting or conspiring to do so;

5. Evidence indicating how and when the Tumblr account was accessed or used, to determine the geographic and chronological context of account access, use, or events relating to the crime under investigation and to the account owner or user;
6. Evidence indicating the account users state of mind as it relates to the crime under investigation;
7. The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s);
8. Records relating to who created, used, or communicated with the account listed in Attachment A about matters relating to the criminal activity listed above, including identification of coconspirators, accomplices, and aiders and abettors in the commission of the above offenses, including records that help reveal their whereabouts;
9. Credit card information and money wire transmittal information, including bills, payment records, and any receipts, for payments to third party money remitters, including Xoom.com, Western Union, PayPal, and MoneyGram;
10. Evidence of who used, owned, or controlled the Tumblr account associated with downloaded file described in Attachment A, including evidence of their whereabouts;
11. Evidence of the times the user utilized the account associated with the file download described in Attachment A.

UNITED STATES DISTRICT COURT

for the
District of South Dakota

In the Matter of the Search of

The content of the encrypted compressed storage
file containing the search warrant production of
Tumblr User Account: Peelover1987 and User
email account: tylerwdeel@gmail.com,
downloaded and currently in the possession of
ICAC

Case No. 5:19-mj-117

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of South Dakota (identify the person or describe the property to be searched and give its location):

See **ATTACHMENT A**, attached hereto and incorporated by reference

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of a crime in violation of 18 U.S.C. §§ 2251, 2252, 2252A, as described in **ATTACHMENT B**, attached hereto and incorporated by reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before Sept 27, 2019 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann.
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of _____.

☐ I find that good cause has been established to authorize the officer executing this warrant to not provide notice prior to the execution of the search warrant, i.e., "no knock".

Date and time issued: 9-13-19 12:30pm


Judge's signature

City and state: Rapid City, SDDaneta Wollmann, U.S. Magistrate

Printed name and title

Emailed to AUSA Collins & Agent

Return

Case No.:

5:19-mj-117

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title